

**REMARKS**

Claims 1-4 stand rejected under 35 U.S.C. stand rejected under 35 U.S.C 103(a) as being as being unpatentable over Takeuchi et al. (U.S. Patent No. 6,321,260). Claims 1-4 are pending.

Applicants respectfully submit that the pending claims, as amended, are patentable for at least the following reasons.

Claim 1 recites “determining, *after receiving two or more data packets*, in the first part or interface, the number of data packets being transmitted in a predetermined time...” Independent claim 3 recites similar limitations.

Takeuchi fails to teach show or imply at least the limitations of determining, *after receiving two or more data packets*, in the first part or interface, the number of data packets being transmitted in a predetermined time...” as recited in amended independent claim 1.

The Final Office Action points to col. 15, lines 26-64 to show these limitations. Applicants respectfully notes that col. 15, lines 26-64 refers “the sending control module” that is used for data transfer only after a control message is used to determine the packet size, transfer rate, etc... Moreover, this control message is sent BEFORE the information processor starts the data transfer, see col. 3, line 64 through col. 4 line 14. This is clearly indicated in the data communication method of Takeuchi, before starting to transfer continuous media data to the receiver node (102), the sender node (101) sends the control message...see col. 5, lines 42-51.

Further, col. 15, lines 40-64, teaches the establishment of the logical connection prior to transfer of continuous media data. This logical connection is control information and is used to set various parameters, thus, it does not teach the limitation of “determining, *after receiving two or more data packets...*” as recited in amended claim 1.

For at least the above cited reasons, Applicant submits that independent claims 1 and 3 are patentable over Takeuchi.

The other claims in this application are dependent upon the independent claims discussed above and are therefore believed patentable once the independent claims are allowed.

Reconsideration and withdrawal of this ground of rejection is respectfully requested.

The applicants have made a sincere attempt to advance the prosecution of this application by reducing the issues for consideration and specifically delineating the zone of patentability. The applicants submit that the claims, as they now stand, fully satisfy the requirements of 35 U.S.C. 103.

In view of the amendments and foregoing remarks, favorable reconsideration, entry of this amendment and early passage to issue of the present application are respectfully solicited.

Respectfully submitted,

Daniel Piotrowski  
Registration No. 42079



Date: January 6, 2005

By: Steve Cha  
Attorney for Applicant  
Registration No. 44,069

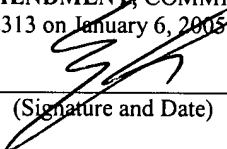
**Mail all correspondence to:**

Daniel Piotrowski, Registration No. 42079  
US PHILIPS CORPORATION  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001  
Phone: (914) 333-9624  
Fax: (914) 332-0615

**Certificate of Mailing Under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA. 22313 on January 6, 2005.

Steve Cha, Reg. No. 44,069  
(Name of Registered Rep.)



(Signature and Date)